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Convention on the Rights of the Child

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Committee on the Rights of the Child
Seventy-second session

Summary record (partial)* of the 2105th meeting
Held at the Palais Wilson, Geneva, on Tuesday, 17 May 2016, at 10 a.m.

Chair: Mr. Mezmur

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10.05 a.m.

Opening of the session

1. **The Chair** declared open the seventy-second session of the Committee on the Rights of the Child.

Statement by the representative of the Secretary-General

2. **Mr. Salama** (Director, Human Rights Treaties Division, Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that he wished to commend the Committee for having reduced its backlog of reports, thanks in large part to the use of dual chambers in 2015. There was likely to be an increase in the Committee's workload, however, as it reviewed the first complaints received under the Optional Protocol on a communications procedure (OPIC). Those developments would need to be reflected in the Secretary-General's first report on the implementation of General Assembly resolution 68/268, on strengthening and enhancing the effective functioning of the human rights treaty body system, which would address the possibility of additional meeting time being accorded for the biennium 2018-2019.

3. In January 2015, Norway and Switzerland had convened a meeting of States, independent experts and treaty body members at Wilton Park, at which the concept of an independent study to explore options for treaty body reform had been developed. In addition, in June 2015, at the twenty-seventh Annual Chairpersons Meeting, Costa Rica had called for a worldwide academic process to reflect on the future of the treaty body system.

4. In response, the Geneva Academy of International Humanitarian Law and Human Rights had invited a small group of independent researchers to examine different scenarios in the build-up to the 2020 review of the treaty body system and to define the parameters for the Academic Platform Project on the 2020 Review, which would look at future options for reform, assess the long-term sustainability of the system and develop innovative proposals and solutions. Participation in the Project would be extended to a larger group of researchers and to all relevant stakeholders, including treaty body members.

5. He was pleased to see that, in its concluding observations, the Committee had begun to link the Sustainable Development Goals to the rights contained in the Convention, thereby assisting the United Nations in its work at the country level. The Committee's concluding observations on the combined second and third periodic reports of Haiti, for example, had been included in the list of resources for the elaboration of the United Nations Development Assistance Framework. He likewise welcomed the news that, through the creation of a working group to monitor the implementation of the Goals related to children's rights, the Goals would be at the heart of the Committee's work with the United Nations Children's Fund.

6. In March 2016, the Human Rights Council had held a panel discussion on information and communications technology and child sexual exploitation, following which it had adopted a resolution requesting OHCHR to focus its next annual day of discussion on the protection of the rights of the child in the implementation of the 2030 Agenda for Sustainable Development. The report of the Special Rapporteur on the sale of children, child prostitution and child pornography had been presented to the Council in the same month.

7. Pursuant to a decision of the Office of the Secretary-General, the Special Representative of the Secretary-General on Violence against Children was heading a high-level task force on the Global Study on Children Deprived of Liberty. Discussions were ongoing to secure the funding needed to launch a second phase of the Study, during which a secretariat would be established.

Submission of reports by States parties

8. **Ms. Franchetti** (Secretary of the Committee) said that 13 reports had been received since the Committee's previous session, bringing the number of reports pending consideration to 51. The Democratic People's Republic of Korea, Denmark, Ecuador, the Republic of Moldova, Spain and Tajikistan had submitted reports on the implementation of the Convention. The initial report of Tonga was overdue. Four reports had been submitted under the Optional Protocol on the involvement of children in armed conflict (OPAC), namely the initial reports of Cyprus, Guinea and Vanuatu, and the combined third and fourth periodic reports of the United States of America. Three reports had been submitted under the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC), namely the initial reports of Guinea and Vanuatu, and the combined third and fourth periodic reports of the United States of America.

9. The total number of ratifications of the Convention remained at 196. One State (Guinea) had ratified OPAC, bringing the total number of ratifications to 163. Two States (Samoa and the United Arab Emirates) had ratified OPSC, bringing the total number of ratifications to 173. Three States (Italy, Luxembourg and Samoa) had ratified OPIC, bringing the total number of ratifications to 27. The total number of signatories to OPIC remained at 50.

10. **The Chair** said that efforts to ensure universal implementation of the Convention were hampered by numerous challenges, including the persistence of de jure and de facto discrimination against children belonging to vulnerable groups and of sexual and other violence against children in general. There was a need to encourage the adoption of a child rights-based approach to the implementation of policies, programmes and laws; to support adolescents suffering from mental health disorders, malnutrition, substance addiction, HIV/AIDS and other chronic illnesses; to improve access to critical prevention and care services; and to respond to health emergencies, such as those caused by the Ebola and Zika virus diseases, which continued to inhibit children's right to life, survival and development.

11. The Committee remained seriously concerned about the migration crisis. It was particularly concerned about the increase in the immigration detention of children, which it urged States parties to end. It was also concerned about reports that, in 2015, thousands of unaccompanied children had disappeared in Europe after registering with State authorities and were thus exposed to a heightened risk of sexual exploitation and abuse.

12. It was more important than ever to ensure that the provisions of the Convention and its Optional Protocols were applied to the digital environment and that all stakeholders were provided with guidance for the realization of children's rights online. In that connection, the Committee was concerned about the slow pace of accession to, and reporting under, OPAC, OPSC and OPIC.

13. The Committee was participating in the task force on the Global Study on Children Deprived of Liberty and looked forward to the prompt mobilization of key resources by States and other stakeholders.

14. The Committee's recent press releases had highlighted, inter alia, the application of the death penalty to persons found guilty of committing a crime when under 18 years of age; policies for the treatment of migrant children, including in processing centres; and the urgent need to protect children in the context of armed conflict.

Organization of work

15. **The Chair**, reviewing the items on the agenda, said that 10 reports from 8 States parties would be considered by the Committee during the session. He welcomed the many partners who contributed to the Committee's work. Discussions would continue on follow-

up to the treaty body strengthening process and on OPIC, and any communications received under OPIC would be considered. The Committee would also continue preparing for its next day of general discussion, work on four general comments and discuss any other matters relating to its work. On 28 and 29 May, the Committee would hold a retreat to discuss ways to streamline its concluding observations.

Adoption of the agenda (CRC/C/72/1)

16. *The agenda was adopted.*

The discussion covered in the summary record ended at 10.25 a.m.

United Nations CRC/C/SR.2106

Convention on the Rights of the Child

Distr.: General
25 May 2016

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Committee on the Rights of the Child
Seventy-second session

Summary record of the 2106th meeting
Held at the Palais Wilson, Geneva, on Tuesday, 17 May 2016, at 3 p.m.

Chair: Mr. Mezmur

Contents

Consideration of reports of States parties

Combined second to fourth periodic reports of Samoa

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties

Combined second to fourth periodic reports of Samoa (CRC/C/WSM/2-4, CRC/C/WSM/Q/2-4)

1. *At the invitation of the Chair, the delegation of Samoa took places at the Committee table.*

2. **Ms. Stowers-Ah Kau** (Samoa), introducing the combined second to fourth periodic reports of Samoa (CRC/C/WSM/2-4), said that Samoa had ratified the three optional protocols to the Convention. In 2013 it had established a national human rights institution that was empowered to receive complaints of violations of children's rights, which could in turn trigger a special enquiry under the Ombudsman Act. In 2015 the national human rights institution had published the country's first human rights report, which had explored the complementarity between the core values of *Fa'a* Samoa, or the Samoan Way, and the principles of the international human rights system. The section of the report devoted to children's rights formed the basis for the current review of the National Policy and Plan of Action for Children.

3. The Child Care and Protection Bill contained a legal framework for care and protection and incorporated the Convention in its entirety. The 2013 Family Safety Act provided for comprehensive protection of families, requiring courts to take prompt action on requests for protection orders. Victims could appoint representatives to apply for such orders on their behalf. Children who were found to be at risk could obtain alternative care.

4. Specialist courts — the Family Court, the Youth Court and the Alcohol and Drug Court — had been created to address the root causes of crime that impacted on community safety and well-being. The courts encouraged a therapeutic, preventive and pragmatic approach to those problems.

5. The 2016-2020 Samoa Development Strategy was aligned with the 2030 Agenda for Sustainable Development and the Sustainable Development Goals. Priorities under the Strategy included health care and health promotion services, and efforts to understand and respond to vulnerable populations.

6. Samoa had achieved universal primary education thanks to a Government-administered school fee grant scheme that had replaced the fees parents had been obliged to pay in the past. Enrolment and retention rates had improved.

7. In July 2014, in response to concerns over the lack of hard data on child labour in Samoa, the Government had commissioned a rapid assessment of children working on the streets in Apia, with support from the International Labour Organization (ILO).

8. **Ms. Ayoubi Idrissi** (Country Rapporteur) said that the Committee welcomed all the measures taken by the State party to implement the Convention in the 10 years since the submission of its initial report. The Committee also welcomed its ratification of the optional protocols.

9. In light of the progress made in the area of primary education, she would like to know what now prevented the State party from withdrawing its reservation to article 28 (1) (a) of the Convention. As to legislation, she wondered whether the Child Care and Protection Bill had yet been passed and what the situation was in respect of the reform of the 2007 Young Offenders Act and the adoption of a list of hazardous jobs.

10. She would like more information about the bodies that supported the Ministry of Women, Community and Social Development in its task of coordinating policies on children, namely the CRC Partnership Committee and the National Coordinating

Committee for the Convention on the Rights of the Child: what were their mandates, how were they coordinated and what was their budget allocation? She also wished to know: what lessons had been learned from the 2010-2015 National Policy and Plan of Action for Children; whether another such plan was in the pipeline; whether the Government had any plans to further increase the budget of the Ministry of Women, Community and Social Development; what proportion of the funding for children's rights came from international cooperation; and what share of the national budget was devoted to children's rights.

11. Acknowledging the State party's efforts to improve data collection, she asked what further developments there had been in the Child Protection Information System. Acknowledging also the efforts made to disseminate the Convention, she said that more information was needed about how the Convention's provisions were brought to the attention of schoolchildren and their teachers, children with disabilities and those deprived of their liberty, and also to the attention of justice and law enforcement officials. She also wished to know what the Government was doing to engage with religious leaders and village chiefs who perceived children's rights as a challenge to parental authority. Noting that the protection component of the Convention appeared to receive most attention from the State party, she wondered whether all rights under the Convention were accorded the same importance.

12. Civil society being closely involved in work with children, she would like to know whether the State party provided any financial support for NGOs, particularly those working with victims of violence. She also asked what form private sector contributions to support health care, the environment and sport took, and how the private sector helped to prevent violence and combat the economic exploitation of children. As to the definition of the child, noting that various age limits continued to apply, depending on the legislation, she wondered whether the new care and protection legislation would introduce a single standard, not least in respect of the age of marriage, which was still different for boys and girls.

13. Despite the State party's efforts to improve birth registration, which was the basis for the protection of children's rights, still only 59 per cent of births were registered and birth certificates were issued in only 46 per cent of cases. What measures were envisaged to improve registration and had technical assistance been requested? With regard to the rights to freedom of expression, association, conscience and religion, the Committee would appreciate more detail on the channels through which children could exercise those rights.

14. The Committee appreciated the State party's efforts to end corporal punishment and violence against children in general, to combat sexual violence, including incest, and to break down the associated taboos. In that regard, she would like to know whether the ban on corporal punishment applied everywhere, including in the family and in disciplinary establishments for children in conflict with the law. She would also be interested to hear the Government's current position on the recent outbreak of violence among secondary school students, which had led to the closure of a school, given that, in that connection, the Government had mentioned a need to return to traditional methods of discipline, which might include corporal punishment.

15. She would appreciate information on efforts to raise children's awareness of sexual violence and how to protect themselves, and on training in how to detect sexual violence provided to those working with children. Were care protocols being standardized? What rehabilitation measures were in place, including when incest was involved, and were children used in prostitution considered victims or offenders? She further enquired whether children who brought complaints were protected from reprisal; whether the State party was considering extending the period of limitation applicable to sexual offences against children; and whether it had any plans to broaden the scope of the law on taking away or receiving a minor with intent to have sexual intercourse, in order to protect children until they reached

the age of 18 and not only those aged under 16 years old. Lastly, she asked what was being done to provide the Domestic Violence Unit with the resources it required to do its work, and whether there was a free hotline for children victims of violence.

16. **Mr. Gurán** (Country Rapporteur) asked whether the national human rights institution was fully independent and who was responsible for appointing its head. There appeared to be no official with sole responsibility for the protection of children's rights, such as a children's ombudsman; the mandate of child welfare officers was much broader. He wondered whether the mechanism for lodging a complaint with the national human rights institution made specific allowance for complaints concerning violations of children's rights and, if so, how they were investigated.

17. The State party's current drive to amend its legislation in relevant areas was an opportunity to fully enunciate and implement all the principles of the Convention. Were there any plans to introduce special training for police officers, teachers and judges, for example, or regular training for other specialists? He wondered how article 12 of the Convention was implemented in practice: were there any school parliaments or community children's parliaments, for example? He would also like to know whether the Convention and the Committee's general comments Nos. 12 and 14 had been translated into Samoan.

18. **Mr. Nogueira Neto** asked whether the Government of Samoa could take more effective measures to end all forms of discrimination against children, in particular children with disabilities and including discrimination by means of customary practices, and with particular reference to girls' access to the position of chief of village council.

19. **Ms. Khazova** said that, according to information received, grandparents had been known to register children born out of wedlock as their own in order to avoid stigmatization of the children and their unmarried mothers. She would like to know if that information was correct. Were such children able to know the truth and establish a relationship with their parents in the future, and did the State party intend to raise awareness of the problems they faced?

20. **Ms. Oviedo Fierro** said that, with regard to the right to freedom of expression, she would like to know how the National Youth Council worked and what it had achieved, what age its members were and how they were selected. She wondered how the results of the recent survey into children's use of the Internet were being applied.

The meeting was suspended at 3.40 p.m. and resumed at 4 p.m.

21. **Ms. Onesemo-Tuilaepa** (Samoa) said that her Government was keen to remove its reservation to article 28 (1) (a) of the Convention but that it first wished to see whether the school fee grant scheme was sustainable under the new financing arrangements. Previously the scheme had been funded from development assistance; the Government had taken over as the sole source of finance relatively recently and would need two or three years to test the scheme's sustainability.

22. The main objective of the Child Care and Protection Bill was to incorporate the Convention into domestic law and harmonize the various disparate pieces of legislation. In order to do that, the Government had decided to undertake a complete policy review. The National Coordinating Committee on the Convention on the Rights of the Child was mandated by the Cabinet and brought together all stakeholders and partners such as government agencies, NGOs and the private sector, as well as community representatives. The coordination and implementation mechanisms were being reviewed to ensure that they were sufficiently resourced and were structured so as to be able to operate properly.

23. The head of the national human rights institution was appointed by the Cabinet, on the basis of merit, in the same way as the heads of other independent State bodies. There was no special children's ombudsman, but the Ombudsman could receive complaints from

children. If a specialist was found to be needed, that possibility would be given due consideration but resources were an issue and, in a population of only 180,000, there was no pool of specialists to draw on. The purpose of the current review of mechanisms was to ensure that high-level priorities were addressed and that structures were in place that served to meet those objectives effectively. As to further increasing the budget of the Ministry of Women, Community and Social Development, it was a matter of convincing the Government to make that a priority. The bulk of the national budget went to health and education.

24. The Government of Samoa faced challenges in terms of the integration of data and systematic capture of relevant indicators. It was assessing measures taken on children's behalf over the past five years to identify what had worked best. As part of that exercise, it was reviewing the data-collection system and the resources needed to deliver results.

25. Equal weight was given to all articles of the Convention. With regard to dissemination, the national human rights institution conducted awareness-raising campaigns in schools and communities. The main organizations of persons with disabilities also publicized relevant articles of the Convention. In improving outcomes for children, it was critical to get religious and cultural leaders on board. It was important to tackle attitudes and behaviours that claimed to be based on biblical teachings, in order to encourage acceptance of the principles of the Convention. Much work was being done to help cultural leaders understand those principles and see that they complemented cultural values, the aim being to equip them to take a lead in child protection within their communities.

26. The Government worked closely with NGOs to support children who were the victims of crimes. The Government gave NGOs a certain amount of support but more resources were badly needed. The real key to care and protection, including alternative care, was the strong family orientation within Samoan culture. It was certainly true that, in exceptional circumstances, families were not the best providers of care, but alternative care could also be provided by NGOs or within the new system to be set up under the new legislation. Cooperation with the private sector was still in its infancy. The Government had commissioned research, such as a family safety study being conducted with Australian support, to obtain data about the root causes of child labour and child exploitation, and the 2013 Child Protection Baseline Report was proving useful in determining which strategies to adopt. The new legislation on child care and protection would harmonize all the relevant age ranges, including marriageable age.

27. Low birth registration was explained in part by parents' tendency to register children only once they reached school age. The challenges were being tackled through ongoing use of the network of women representatives in the villages and the formal health-care system to support parents in the registration process. The Samoa Bureau of Statistics also ran awareness-raising campaigns. She had not come across the problem of grandparents registering children born out of wedlock, but would look into it. Children were entitled to a sense of identity and it was important to remove the stigma attached to unmarried mothers.

28. Every village had a representative on the National Youth Council; their ages ranged from 15 to 35 years old. The Council was independent and had its own system of governance. It was relatively new but was gradually becoming the voice of youth. Work on freedom of association and expression for children was generally ongoing but was limited by capacity constraints: the Ministry was responsible for gender equity, child protection, youth empowerment and good local governance, among other areas, yet had a staff of only 100 and the limited budget mentioned previously. It was trying to work systematically through the issues in order of priority.

29. The recent incidents at a secondary school had brought the question of violence to the fore of the national consciousness. The school had reopened and information was being

gathered to ensure that strategies for the future were evidence-based. The key would lie in primary prevention and religious and cultural leaders would have an important role in dismantling myths and mindsets that hailed the efficacy of corporal punishment for children — an estimated 79 per cent of the population believed that such methods actually worked — and building a system that could provide an adequate response and included, when things went wrong, rehabilitation and reintegration support. All those issues would be addressed in the 2016-2020 Community Sector Plan and the new National Policy and National Plan of Action for Children. Resources and funding for education and awareness had been obtained from Australia and the United Nations Children's Fund (UNICEF). As to sexual violence, NGOs, the Government and the national human rights institution were making efforts to raise awareness. Cooperation with village representatives would ensure an effective response, not only with regard to reporting but also in terms of support for those seeking justice.

30. The Child Care and Protection Bill was scheduled for adoption by December 2016. The quality assurance framework for the care of children envisaged under the Bill would ensure that care standards were harmonized and monitored. The Bill referred to the best interests of the child, unlike the current legislation, and would address the question of child prostitution, ensuring that children involved in prostitution were considered to be victims. Much work was being done to raise children's awareness of safety issues — by NGOs, the Samoa Victim Support Group and various ministries — in schools, in villages and through the traditional community network. The statute of limitations for crimes against children and legal protection for minors under 18 years of age would be reviewed in the context of the next National Policy and National Plan of Action for Children. NGOs had set up helplines through which violations could be reported and, as demand increased, service providers were also beginning to introduce such facilities.

31. Training was carried out by NGOs and government departments working collaboratively. Members of the judiciary had taken a notable lead by conducting their own training, with the help of international colleagues. As to participation by children, the National Youth Council still needed support as capacity was a problem. Indeed, capacity was a problem in general and the Government was not able to do everything at once; it asked the Committee to be patient as it worked through each of the areas and set up the structures needed.

32. The Convention had been translated and attempts were being made to use contemporary media for dissemination. However, the majority of village dwellers needed culturally appropriate delivery. Some methods simply did not work and it was necessary to search for what was acceptable.

33. Programmes to disseminate appropriate information about the Internet were still rudimentary, though efforts were being made to harness its benefits and minimize harm. With regard to discrimination against children with disabilities, enormous changes had taken place in the past 10 years in terms of recognizing the rights and contributions of persons with disabilities. There were still challenges, including in access to services, but the Government was working towards ratification of the Convention on the Rights of Persons with Disabilities and the establishment of a legal framework.

34. **Ms. Khazova** said that she would like to know whether a child whose birth had not been registered was able to attend school, given that registration was apparently a prerequisite for enrolment in education. She would like to know how many children were born to unmarried parents and how many of those children were unregistered. For those that were registered, were they registered in the mother's name only or could the father's name also be added to the registration documentation?

35. **Mr. Gurán** said that the Committee did not expect small countries such as Samoa to set up new, specialized institutions specifically tasked with promoting and protecting the rights of children. What it was asking was that the State party train the existing staff of existing institutions to specialize in that field. It was particularly important to designate a single official to assume responsibility for children's rights at the national level, to serve as a point of liaison for NGOs and to address reported violations. In that respect, the Committee would appreciate information on complaints received about violations of the Convention and the rights of children more generally.

36. **Ms. Sandberg** said the Committee acknowledged that the State party clearly had the motivation to develop its activities in the field of children's rights despite its limited financial and human resources. However, doing so would require an increase in the budget allocated to such activities. She asked what type of recommendations the State party would find it useful to receive in the concluding observations. On the topic of corporal punishment, she asked whether teachers and parents were educated in the use of alternatives to violence as a means of disciplining children.

37. **Ms. Ayoubi Idrissi** said that she would like to know more about interaction and coordination between the National Coordinating Committee for the Convention on the Rights of the Child National Coordinating Committee, the CRC Partnership Committee and the Ministry of Women, Community and Social Development. Given its predominantly advisory role, she wondered whether the National Coordinating Committee contributed to implementation and follow-up activities and if so, how. Since support services for child victims of abuse appeared to be provided almost exclusively by civil society organizations, she would appreciate information about any State-run institutions that also provided assistance and support of that kind.

38. **Ms. Onesemo-Tuilaepa** (Samoa) said that children were required to have a birth certificate in order to enrol in school and that funding for the primary education grant system was linked to birth registration. However, that principle was a policy rather than a law and was not used to deny children access to education: the Government's priority was to ensure that children attended school. No data on the number of children born to unmarried mothers were currently available: the Government acknowledged the need to upgrade and improve its data-collection systems in order to ensure the future availability of such data.

39. It was indeed essential to provide Government employees with training in children's rights and to encourage them to develop specialist knowledge. The national human rights institution was currently engaged in capacity-building activities to that end and was working to achieve compliance with the Paris Principles. The Government welcomed all international support for its work to protect the rights of the child and looked forward to receiving the Committee's concluding observations and recommendations, whichever areas it deemed to require the most urgent attention.

40. Programmes that promoted alternative, non-violent methods of disciplining children were in place in Samoa and, with support from the Government of Australia and UNICEF, the policy development and planning work necessary to develop a dedicated action plan for the prevention of corporal punishment was well advanced.

41. The National Coordinating Committee was responsible for overseeing implementation of the Convention, the Committee's recommendations and child policy in general. It also provided policy advice to the relevant Government ministry, which in turn provided advice to the Cabinet.

42. Much of the awareness-raising and service provision work that had previously been carried out directly by the Government was now performed by NGOs; their proximity to the community made them better placed to undertake such activities and the Government

was thus freer to focus on essential policy development and resource planning work, including, in particular, the development of the child care protection system due to be established in implementation of the Child Care and Protection Bill.

43. It was possible for one parent to register a child's birth but, in such cases, the parent was required to sign a statutory declaration explaining why the other parent was absent. The absent parent's name could be added to the birth certificate at a later date if desired.

44. **Ms. Stowers-Ah Kau** (Samoa) said that the delegation was grateful for the Committee's comments and questions and welcomed its support. The Government would strive to apply the lessons learned from the periodic reporting process. It was making a considerable effort to tackle the particular challenges associated with the practice of corporal punishment — an issue that attracted a great deal of media attention — and had responded promptly to the unfortunate incidents of violence by allocating more resources to the problem.

45. **Mr. Gurán** said that there appeared to be a contradiction in Samoan society: while on the one hand the family was treated with great reverence and respect, on the other domestic violence was a serious problem. The Committee would appreciate more information on the obstacles to a ban on corporal punishment, so that it was better equipped to formulate recommendations that would support the State party in eliminating the practice. More detail about the Government's plans to introduce alternative care systems for children who could not be with their biological parents would be useful, as would information about how the new care and protection system would be monitored and organized.

46. On the issue of adoption, he would like to know why the vast majority of Samoan children were placed with adoptive families overseas, especially in New Zealand and Australia, while only 10 per cent remained in Samoa, and whether the State party would consider ratifying the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993 in the near future.

47. Since the lack of free health care created problems for many people, especially poorer families, he would like to know whether the Government was exploring possible ways to resolve that situation, perhaps by eliminating charges for children. As the geography of Samoa often made it difficult for persons to travel to health-care facilities, a possible solution could be a mobile hospital. He wondered whether the State party had considered that possibility.

48. Although breastfeeding for the first six months of a child's life was becoming more commonplace in Samoa, concerns had been raised about working mothers finding it difficult to reconcile their professional and family lives because parental leave was granted for a period of three months only. Programmes that enabled mothers to continue breastfeeding once they returned to work were therefore essential, as were measures to prohibit or limit the promotion of infant formula in the media.

49. Noting that the teenage pregnancy rate was rising and there appeared to be a lack of information and awareness on sexual health issues, he asked what action was being taken to address the deficiencies in that area. With the suicide rate among young people also reported to be rising, information about any measures being put in place to tackle that problem would likewise be appreciated. Noting that abortion was prohibited in the State party, he asked whether pregnancies could be terminated in cases of rape and what the Government's position was in such situations.

50. **Ms. Ayoubi Idrissi** said that the high school dropout rate was a serious concern. The Committee would appreciate more information about the implementation of the 2009 Education Act and the consequences for parents whose children were not in education. Although education was nominally free, there were hidden fees that dissuaded parents from

sending their children to school. For that reason, she would like to know what steps had been taken to improve access to education at all levels, and especially at the early childhood and secondary levels, and what was being done to eliminate the hidden fees and reduce dropout rates.

51. She would also like to know whether human rights education was included in the curricula; how the Convention was taught to children; whether all children, including those with disabilities and those in detention, were given the opportunity to participate in leisure and culture activities; what was being done to combat the commercial exploitation of children by parents, particularly by sending children out to sell goods on the streets; whether the State party had adopted, or was considering adopting, measures to protect children who lived and worked on the streets; and what progress had been made towards the adoption of a list of hazardous work that children were not permitted to perform. It was particularly important for the State party to follow up on the Committee's previous recommendations on the subject of child labour, after its recent ratification of the optional protocols to the Convention.

52. The Committee would appreciate further information about progress towards the reform of the 2007 Young Offenders Act and the possibility of changing the age of criminal responsibility from over 17 years of age to over 18 years of age. Further information on the detention conditions of young offenders, including the educational and training opportunities available to them, would be welcomed. The Committee also wished to know whether juvenile offenders were detained separately from adults.

53. **Mr. Cardona Llorens** said that, although direct discrimination against children with disabilities was prohibited in the State party, such children still faced social stigmatization, difficulties in accessing health-care and other services, and indirect costs in education. Since the State party had signed, but not yet ratified, the Convention on the Rights of Persons with Disabilities, he wondered what the obstacles to ratification were. On the subject of inclusive education, he would appreciate further information on the measures taken to train teachers and promote inclusiveness for children with mental or psychosocial disabilities.

54. Given that the geography of the State party made it susceptible to natural disasters, he would like to know what programmes had been developed to protect children with disabilities in the event of a natural disaster. Information about the policies in place to support families and prevent children from being abandoned by their families would be useful, as would information about access to sanitation for children living in rural areas and the action being taken to remedy deficiencies in that area.

55. **Ms. Khazova** said that the State party's strategy for mental health seemed to be dependent on community-based services provided by NGOs. It was important to ensure that children had access to mental health hospitals and centres when required, and that they were referred to such facilities when appropriate. Work to prevent children with mental health problems from becoming overreliant on medication was also needed.

56. **Ms. Aho Assouma** said that the information provided on the prevention of alcohol and drug abuse gave her the impression that, although the State party had good intentions, it was having problems with policy implementation. She would like to know what concrete steps were being taken to help young people dealing with substance addiction; whether specialized, trained staff were available to help them; whether the Goshen Trust provided mental health services for children separately from adults, or with all ages grouped together; how the Government dealt with victims of sexual abuse; what specialized facilities were available for the treatment and care of such persons; and whether a specific plan was in place to protect young persons in the event of a natural disaster. She would also like more

information on access to health care in rural areas, including information on measures to prevent mother-to-child HIV transmission.

57. **Mr. Rodríguez Reyes** said that, with suicide still a serious concern in the State party, the Committee would appreciate up-to-date data on suicide rates among young people and more information on the services available to adolescents suffering from depression and possibly contemplating suicide. Did any State-run health-care facilities provide services of that kind? Information about the impact of the 2011-2016 National HIV and AIDS Policy and data on the prevalence of HIV and AIDS would be appreciated.

58. **Ms. Aldoseri**, noting that a great deal of effort appeared to have been devoted to reducing child poverty and raising the standard of living, asked what challenges had been encountered in those areas, including, in particular, in creating more and better economic opportunities. She also sought an update on the financial support allocated to low-income families and the outcome of the 2011-2015 Community Sector Plan.

59. **Mr. Nogueira Neto** said that the Committee was impressed by the progress made by the State party in protecting the rights of the child given the constraints it faced. The Government might, however, look at ways to improve the support available for children in migration situations and better guarantee their rights, notably by implementing the various relevant instruments to which the State was a party, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and transposing their provisions into domestic legislation.

60. **Mr. Kotrane** said that the Committee shared the concerns raised previously by the Committee on the Elimination of Discrimination against Women about the State party's delays in establishing a family court. It was important that judges were trained in the rights of the child and in related fields such as divorce. The Committee noted that the State party had ratified the International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182) and the ILO Minimum Age Convention, 1973 (No. 138) and urged it to also consider ratifying the ILO Labour Inspection Convention, 1947 (No. 81). Lastly, he would like to know whether children in conflict with the law could be held in pretrial detention for the same length of time as adults; if not, for how long, at most, they could be held; and what was the maximum sentence they might face, if convicted.

61. **Ms. Winter** said that the Committee was pleased with the progress made by the State party in enacting legislation on juvenile justice. However, the difficulty lay in implementing that legislation. In that connection, the Committee would like to know whether legal professionals, judges and police officers had received training in alternatives to detention and punishment for children. Noting that insufficient statistical data was available on the offences committed by children and the reasons for their pretrial detention or imprisonment, she said that the Committee needed information about the length of pretrial detention, investigations undertaken and the status of pending cases. More information on access to health services and sanitation in detention facilities would likewise be appreciated. She also wished to know whether juvenile detainees were housed separately from adults and prison staff. Lastly, since child witnesses and victims did not benefit from legal protection when taking part in legal proceedings, she asked what was being done to guarantee the protection they required.

62. **Ms. Sandberg** said that the State party's report referred to low levels of participation in early childhood education but indicated that efforts would be made to increase that rate in the future. Since two years had passed since the report's submission, an update on developments in that area would be helpful. If progress had been limited, what were the obstacles the State party faced?

63. **The Chair** said that, in paragraph 18 of its replies to the list of issues (CRC/C/WSM/Q/2-4/Add.1), the State party indicated that sexual activity "for gain or reward" was criminalized under the 2013 Crimes Act. The Committee would appreciate an explanation of the meaning of "for gain or reward" and of the application of those provisions to cases involving children. In the same paragraph, the State party stated that, while the offence of rape was gender specific, the 2013 Crimes Act also provided for the non-gender specific offence of sexual connection. Could the delegation clarify the meaning of that sentence also? With regard to the 2013 Family Safety Act, he would like to know how children placed in State care were looked after and where they were housed.

The meeting rose at 5.55 p.m.

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Summary record of the 2107th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 18 May 2016, at 10 a.m.

Chair: Mr. Mezmur

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The meeting was called to order at 10 a.m.

Consideration of reports by States parties .(*continued*) (CRC/C/WSM/2-4; CRC/C/WSM/Q/2-4)

Combined second to fourth periodic reports of Samoa (continued)

1. *At the invitation of the Chair, the delegation of Samoa took places at the Committee table.*

2. **Mr. Devoe** (Samoa), responding to questions about disability raised at the previous meeting, said that Samoa had been represented at two World Games and one Asia Pacific Games since the establishment of Special Olympics Samoa in 2009, an achievement that reflected its commitment to the provisions of article 30 of the Convention on the Rights of Persons with Disabilities. The Ministry of Education, Sports and Culture allocated an annual grant to Special Olympics Samoa, specifically for its sport in the community programme, and also to the Fiafia Sports Programme, which sought to engage children with disabilities in sporting activities in mainstream schools. In addition, events were organized for mixed teams of children with and without disabilities in a number of sporting disciplines, in partnership with various other national sporting bodies.

3. As required under article 24 of the Convention on the Rights of Persons with Disabilities, the Government's inclusive education policy did not differentiate between forms of disability; the relevant laws and programmes were all-encompassing.

4. The national human rights institution was preparing a report on disability that focused on rural areas in particular and would result in a comprehensive review of national disability policy. Invaluable assistance for that exercise was being provided in the form of resources and expertise from the Australian Department of Foreign Affairs and Trade.

5. The National Building Code was also currently under review, the aim being to guarantee access to buildings for persons with disabilities through the provision of ramps, lifts and other amenities. The needs of persons with disabilities were mainstreamed in the National Transport Sector Plan, which included provision for designated parking, footpaths and road crossings. Access to sanitation for persons with disabilities in rural areas was not an issue.

6. The needs of children, including those with disabilities, were integrated into the National Disaster Management Plan and gender equity and disability concerns were addressed in the National Policy for Combating Climate Change. Arrangements between NGOs and the Ministry of Health ensured that consultations and medication were available for children with disabilities free of charge. In rural areas, community-based rehabilitation and early intervention programmes for such children were provided by NGOs and subsidized by the Government. Further government partnerships were being set up to improve those services and provide additional funding.

7. Ratification of the Convention on the Rights of Persons with Disabilities was a priority for the Government of Samoa and the disability taskforce was aiming to conclude the process by December 2016. The Government hoped that its many efforts to promote inclusion in education, sports and community life would soon end any remaining negative perceptions and stigmatization.

8. He wished to draw the Committee's attention to the new National Disability Centre, opened in 2015, which had been funded by bilateral agreements between the Government and donor partners. The Centre, which, he believed, was the first of its kind in the Pacific region, was a testament to the Government's ongoing commitment to protecting and promoting the rights of all children in Samoa.

9. **Mr. Cardona Llorens** said that, while he appreciated the State party's commitment to the Convention, he was concerned that not all children with disabilities were in inclusive education, or indeed any form of education. Moreover, some children with disabilities were abandoned by their families and placed in institutions. That situation was far from perfect and he would welcome an explanation of the specific challenges the State party faced in that area.

10. **Ms. Barlow-Schuster** (Samoa) said the Government was aware that it needed to do much more in the area of mental health and understood the cost of inaction. Its biggest challenges lay in health workforce development and reframing mindsets. The authorities also recognized the importance of violence-free homes to adolescent mental health and well-being and, as a corollary, the need to focus efforts on the primary determinants of positive parenting. Following the construction of its new hospital, the State now had a designated mental health space, but attracting child psychologists and other specialist health-care professionals was proving difficult. However, an expert alcohol and drugs clinician had been appointed to support the new Alcohol and Drugs Court and to evaluate and address the persistent challenges in that area.

11. Suicide rates showed mixed trends and a better understanding of the primary causes was needed. A report on those issues was currently being prepared by the national human rights institution. Referrals to the National Health Service could be made by NGOs and the private sector and were free of charge. Although there was no dedicated treatment facility, the mental health unit did have a dedicated doctor. The Goshen Trust did not have the capacity to offer dedicated services for children.

12. On a positive note, mental health was a priority area and was to be the subject of the next report issued by the national human rights institution, once it had concluded its report on disability. The new alcohol policy highlighted health impacts and the importance of social responsibility, and the possibility of increased taxes on alcohol was being considered. The Government expected to be able to report further action and improvement in that area at the end of the next reporting period.

13. **Ms. Aho Assouma** said she was concerned that the new mental health unit had only one non-specialist doctor and lacked specific facilities for children. She would like to know what care and support was available for children who were victims of violence and sexual abuse; whether the authorities had plans to recruit any child psychologists; and why the State party faced problems in that area. Had any child psychologists been trained in Samoa and, if so, what had become of them?

14. **Ms. Onesemo-Tuilaepa** (Samoa) said that NGO-run support and reintegration services were available for children who were victims of sexual abuse and that the Government provided capacity-building support for those services. Finding qualified personnel was a challenge across the board and the region as a whole suffered from brain drain. People who left Samoa to train in other countries often did not return. To achieve better outcomes, the lack of specialized personnel in all areas, and particularly in child development, needed to be addressed. The delegation would be pleased to hear any suggestions, ideas and lessons learned by other countries in that regard.

15. While progress had been made in improving the situation of children with disabilities, much remained to be done. The Government of Australia had provided resources for basic screening services that would allow for the early identification of children with developmental needs. Now in its third year, the programme was being run within the formal health and education sectors as well as in partnership with community-based service providers. The Government's main role was to facilitate resource mobilization. Service offerings were being built from the ground up; just a few years previously, early diagnostic services did not even exist in Samoa. Many attempts had been

made to address the shortage of specialized medical professionals but none had been successful. Work on Pacific-wide and South-South labour mobility was under way, but was still in the early stages.

16. There were huge obstacles to the introduction of legislation banning corporal punishment in family settings, since 80 per cent of Samoans believed that the corporal punishment of children was an integral part of being Samoan and being Christian. Work to reverse that entrenched mindset needed to be driven by religious and traditional leaders. Once the statistics showed that support had dropped below 50 per cent, the introduction of legislation would be considered.

17. The apparently high rate of intercountry adoptions relative to internal adoptions was due to the large number of informal adoptions by extended family members that were not reflected in the statistics. Intercountry adoptions also frequently involved relatives living overseas who could provide better economic opportunities while maintaining the child's cultural connections and family relationships.

18. The Child Care and Protection Bill envisaged two forms of alternative childcare: placement either with extended family members or with licensed childcare providers. Licensed childcare providers were governed by a regulatory framework that encompassed quality assurance, standards of care and personnel qualifications and specializations. The quality assurance framework for alternative childcare provided by family members was still being mapped out. There had been only one case of a child being placed in State care. That placement had been done confidentially and the child had been placed with a family that was part of a community village representative network. During the period of temporary care, education and health care had continued to be provided and the child's progress had been monitored and reported to the courts.

19. The fact that Samoa had not ratified the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption reflected the State's pragmatic approach. Ratification of the optional protocols to the Convention on the Rights of the Child had been its top priority, and its focus would next turn to the Convention on the Rights of Persons with Disabilities. Ratification of the Hague Convention and other Conventions would follow in due course.

20. **Mr. Rodríguez Reyes** asked the delegation to provide the information requested previously about teenage suicides.

21. **Ms. Khazova** asked whether local authorities were made aware of cases of informal adoption by family members; whether there was any monitoring of the adoptive families in such cases; and how informal adoptions worked in practice.

22. **Mr. Gurán** (Country Rapporteur) said that he would appreciate an explanation of the difference between informal adoption and alternative childcare provided by family members. He would also like to know whether family members had any form of training; whether there was a monitoring system in place; whether the child's opinion was taken into account; what procedures were involved; and who was responsible for decision-making.

23. **Ms. Onesemo-Tuilaepa** (Samoa) said that the specific concept of adoption did not exist in Samoan tradition. Informal adoption was a fluid process whereby parents in a rural area might send children to live with relatives in an urban area where better schooling was available. The children might return to their parents for weekends and holidays, although arrangements varied. Lessons had been learned from past cases and efforts were being made to establish a mechanism for tracking informal arrangements and intervening where necessary. The main challenge lay in balancing the need for an appropriate regulatory framework against the need to minimize interference with the family ties that formed the basis of Samoan culture. Western models of alternative care systems were being examined,

and although it was unlikely that all the care standards contained therein would be adopted in Samoa, safety nets would be put in place in order to ensure the early identification of children at risk.

24. Research would be conducted under the 2008-2018 Health Sector Plan to identify the reasons for the rise in teenage suicide and inform future interventions. Current measures were focused on prevention, the establishment of effective response systems and ongoing monitoring of "high-risk" cases.

25. **Ms. Ayoubi Idrissi** (Country Rapporteur) asked what structures were in place to care for children who had been abandoned by their parents.

26. **Mr. Rodríguez Reyes** said that he would like details of the preventive measures being used to address the problem of teenage suicide.

27. **Ms. Onesemo-Tuilaepa** (Samoa) said that helplines run by NGOs offered assistance and counselling to vulnerable young people. Abandoned children were usually cared for by the Samoa Victim Support Group. Parents in difficult situations sometimes placed their children in the care of that organization on a temporary basis, and on the rare occasions that those children were not returned to their families, alternative solutions were sought in cooperation with the Ministry of Women, Community and Social Development and the Office of the Attorney General. Measures were being taken to improve the country's alternative care mechanisms.

28. **Ms. Ayoubi Idrissi** said that she would welcome more information regarding the placement of abandoned children in care.

29. **Ms. Onesemo-Tuilaepa** (Samoa) said that all abandoned children and child victims of violence were provided with accommodation and comprehensive education and health-care services by the Samoa Victim Support Group and other relevant NGOs. The Child Care and Protection Bill would establish a legal framework to regulate and oversee the work of those organizations, monitor alternative care arrangements and ensure compliance with the Convention.

30. Children aged under 5 years old were entitled to free treatment in public hospitals and their medication was subsidized by the Government. Persons with permanent health issues and children with disabilities were exempt from paying hospital fees. However, she recognized that free medical services should be extended to older children in accordance with the Convention.

31. Seven of the country's 12 district hospitals were open around the clock and 5 were open five days a week; all of them faced a shortage of specialized staff. To ensure access to health care in rural areas and to address the high incidence of non-communicable diseases (NCDs), the recently launched PEN *Fa'a Samoa* initiative — the World Health Organization Package of Essential NCD Interventions (PEN) "the Samoan way", i.e. adapted to reflect Samoan culture and customs — was providing community-based health-care services including screening and immunization. The initial response to the initiative had been very positive. Various mobile clinics were also in operation. Given that many people in Samoa had limited access to health-care facilities, it was important to further develop outreach services of that kind.

32. A national breastfeeding policy was in place in the public sector, under which designated breastfeeding areas were provided in the workplace and breastfeeding mothers were able to benefit from flexible working hours. Measures were being taken to increase awareness of the importance of breastfeeding among both mothers and employers and the use of breast-milk substitutes was discouraged. Maternity leave provisions had been enhanced in the private sector but had not yet reached the required standard.

33. Although abortion was illegal in cases of rape, in practice terminations of pregnancy were permitted in such situations in order to preserve the woman's physical and mental health. Although she recognized that abortion should be a choice for all women, in Samoa it was important to approach the issue with caution. In a recent public consultation linked to a review of legislative compliance with the Convention on the Elimination of All Forms of Discrimination against Women, all stakeholders consulted had indicated that the country's abortion law should not be amended and it was vital to address such attitudes before implementing legislative changes.

34. **Ms. Aho Assouma** said that she would be interested to know why the rate of vaccination had fallen in the State party and what the current rate was. She also wished to know whether all routine vaccine reagents were available; whether there were dispensaries in rural areas; whether rural health centres were run by qualified personnel; whether antiretroviral treatments and services to deal with mother-to-child HIV transmission were available in rural areas; what procedures were in place to curb mortality rates associated with caesarean sections; and whether new mothers received breastfeeding assistance from trained midwives.

35. **Mr. Gurán** asked whether there were plans to extend free hospital care to older children.

36. **Ms. Onesemo-Tuilaepa** (Samoa) said that, while it was vital to provide free hospital care to all children under 18 years of age, measures must be taken in a pragmatic manner in order to ensure their long-term sustainability and avoid jeopardizing other important priorities.

37. According to data for 2012, immunization rates had fallen to between 60 and 70 per cent, but the health authorities and community women's groups were working to increase that figure to 99 per cent. In rural areas, primary health care, including immunization services, was provided by nurses. However, an effective referrals system was in place, ensuring that serious cases could be transferred to national hospitals and doctors could be called on for assistance when required. Owing to the shortage of medical personnel, doctors from the private sector were contracted to visit rural hospitals on a monthly basis.

38. Samoa had a very low prevalence of HIV and focused instead on addressing its high rate of sexually transmitted diseases (STDs). The 2011-2016 National HIV and AIDS Policy would shortly be reviewed in order to identify the future challenges, including those related to mother-to-child HIV transmission.

39. Measures to address child sexual abuse were implemented primarily by NGOs and community associations, but with support from the Government. The Government was looking to expand and improve its interventions in that area, including its Prevention of Sexual Violence Awareness programmes and its positive parenting programmes, by providing increased resources. Supporting advocacy work was being carried out as part of the work programme of the National Coordinating Committee for the Convention on the Rights of the Child. The Government did not usually intervene directly in the area of sexual abuse, owing to a lack of resources, but it had a key role in supporting the work of relevant organizations.

40. **Ms. Ayoubi Idrissi** asked how many cases of child sexual abuse had been dealt with by NGOs, including, in particular, the Samoa Victim Support Group; whether there had been any court rulings related to such abuse; whether the State monitored the care provided to child victims of sexual abuse; and what was being done to rehabilitate such children. Expressing deep concern about the issue of incest, she enquired whether victims were rehabilitated and welcomed back into their communities and families.

41. **Ms. Sandberg** asked whether compulsory sexual and reproductive health education was included in the school curriculum.

42. **Ms. Onesemo-Tuilaepa** (Samoa) said that, because other important educational reforms were ongoing, comprehensive sex education had yet to be included in the national curriculum and was currently taught as part of health and physical education. However, programmes were in place to equip parents with the necessary knowledge and skills to discuss sexual and reproductive health with their children at home. That approach was considered appropriate to the social context in Samoa and would be maintained until sex education could be incorporated in the national curriculum.

43. The Samoa Victim Support Group had dealt with a total of 90 cases of child sexual abuse. Currently, the Family Court monitored the standard of care provided to children under the guardianship of that organization but the Child Care and Protection Bill would establish a specific legal framework for that purpose. Child victims of incest were also placed in the temporary care system and the Family Court had authority to decide whether they could be safely returned to their families.

44. **Ms. Aho Assouma**, noting that the reported prevalence of HIV/AIDS in the State party was rather low, asked whether pregnant women and young people were offered free HIV screening on a systematic basis. Were specific measures taken to support children affected by HIV/AIDS and their mothers?

45. **The Chair** asked the delegation to provide an exact figure for HIV prevalence in the State party.

46. **Ms. Onesemo-Tuilaepa** (Samoa) said that, according to recent data, there had been only 23 cases of HIV in Samoa. Unfortunately, very few people were screened on a voluntary basis owing to the stigma attached to infection. Resources were being invested in public awareness-raising campaigns to encourage voluntary testing. Pregnant women were subject to compulsory HIV and STD screening during prenatal consultations but prenatal care was not accessed by a large number of women.

47. Research was currently being carried out into the causes of school dropout, which was particularly common among boys in secondary education. It remained unclear whether the issues of sexual harassment and school dropout were linked. The Ministry of Education, Sports and Culture was working with the Government of Australia to develop a national safe schools policy.

48. Under the 2009 Education Act, a team of police officers, officials of the Ministry of Women, Community and Social Development and the Ministry of Education, Sports and Culture and village representatives had been set up to monitor school attendance. Cases of non-attendance were reported to the Ministry of Education, Sports and Culture, which worked with the families concerned to address the issue. Where the Ministry was unsuccessful in that approach, the matter was referred to the courts by the police. Since 2009, the courts had dealt with three such cases and had issued warnings to the parents concerned. Work to achieve the economic empowerment of vulnerable parents who sent their children to work as street vendors rather than to school was ongoing.

49. **Ms. Aldoseri** asked whether children were encouraged to engage in the democratic process at school, including through student councils; whether their views were respected with regard to curricular and extra-curricular activities; and whether school curricula covered human rights issues.

50. **The Chair**, turning to the issue of early childhood education centres and inclusive education programmes, said that information on how educational services provided by civil society organizations were regulated and how quality was assured would be welcome.

51. **Ms. Onesemo-Tuilaepa** (Samoa) said that a national early childhood education policy would shortly be finalized, under which early childhood education centres would be incorporated into the State-run education system and would be covered by the 2009 Education Act and the relevant standards, requirements and quality assurance frameworks. Work was under way to build the capacity of actors in the early childhood education sector to meet those standards and requirements.

52. As of 2009, there had been 20 cumulative cases of HIV/AIDS and 8 deaths. That number had included two children infected through mother-to-child transmission. Of the 12 persons living with AIDS at that time, 6 had been receiving antiretroviral drugs through the public health system and 2 through the private health system. A further three patients had not required treatment because of a low viral load and one person had been refusing to receive treatment. An upcoming review of the current HIV/AIDS policy would provide information on progress made in that area.

53. The national education system was currently being overhauled and work was ongoing to improve the quality of teaching. However, no action to introduce human rights issues into curricula had yet been taken. The national authorities recognized the importance of ensuring that children had the knowledge and skills required to fully realize their rights. However, the transition from a traditional culture in which it was believed that children should be seen but not heard had to be both gradual and carefully managed.

54. Economic growth and job creation were top priorities under the 2016-2021 National Strategic Development Strategy. Work was needed to achieve cross-cutting policy cohesiveness, improve implementation, monitoring and evaluation capacities and build robust data systems. The State did not have the resources to set up a large-scale welfare system. The percentage of the population living below the poverty threshold had fallen from 27 per cent in 2011 to 24 per cent in 2015. Only senior citizens received State benefits but funding provided by development partners such as the United Nations was used to help vulnerable families of children with disabilities, single mothers and parents of child vendors to set up microbusinesses or find employment.

The meeting was suspended at 11.30 a.m. and resumed at 11.45 a.m.

55. **Ms. Onesemo-Tuilaepa** (Samoa) said that the national immunization rate currently stood at 87 per cent. The periodic report contained information on child abandonment and the Samoan Victim Support Group. No information on foreign migrant workers residing in Samoa was currently available. The authorities focused on Samoan nationals employed in the horticultural sector in Australia and New Zealand under a temporary labour mobility scheme and were endeavouring to support them while they were abroad, facilitate their reintegration into Samoan society and limit risks relating to, among other things, STDs.

56. The 2007 Young Offenders Act covered remand requirements for children and provided that minors could be held in custody pending bail for no longer than a week. Custodial sentences were handed down in cases involving minors only as a last resort or if there was no reasonable alternative, and were served in a residential youth facility. All cases involving young offenders were brought before the Youth Court and, although judges had discretionary powers to refer cases involving serious offences, such as murder or sexual assault, to the Supreme Court, those powers were rarely exercised. There was no record of any girls having committed offences or having been imprisoned in the past ten years. Young offenders were generally ordered to take part in programmes run by the probation service or by NGOs. For those that were sentenced to a term of imprisonment, work was ongoing, with support from the Government of New Zealand, to establish a separate correction service and introduce offender classification systems and training and rehabilitation programmes. A new residential centre was being built to supplement the Olomanu correctional facility and would be completed by the end of 2017. Under the

provisions of the 2013 Prisons and Corrections Act, young persons held in detention must be treated in accordance with the Convention on the Rights of the Child.

57. The Law and Justice Sector was currently engaged in the development and implementation of a new plan to improve access to justice, crime prevention, rehabilitation and reintegration and the availability of community law centres. Officials from New Zealand were providing training to correction service officers, while a number of NGOs and the Ministry of Justice and Courts Administration ran programmes at the Olomanu correctional facility. Prisoner profiling and training needs analysis tools had also been introduced to help build the capacity of correction service officers. New bills on sentencing and criminal procedure had been drafted that made provision for offenders under the age of 18 years and were in line with the Convention. The 2007 Young Offenders Act would be amended to align it with the wider domestic legal framework.

58. **Ms. Winter** asked when the new legislation referred to would come into force. She would appreciate clarification as to whether Ms. Onesemo-Tuilaepa's comments had been related to custodial bail. If that was the case, she would like information about the associated conditions and would like to know whether persons who lacked the financial resources to pay for custodial bail could be granted conditional bail or were immediately placed in pretrial detention.

59. **Ms. Ayoubi Idrissi** asked what specific measures were being taken to improve the situation of children who were held alongside adult detainees, forced to carry out compulsory prison work in difficult conditions that sometimes gave rise to health issues, and deprived of training that would ensure their rehabilitation and reintegration. Information on courses for prison staff, the number of participants and their average duration would be welcome.

60. **Ms. Aho Assouma** asked what specific measures had been taken to make provision for any girls who might be brought before the courts in the future; whether there was a children's court, presided over by a children's judge and specialized judicial officials; and whether social workers and specialized educators had been trained to assist minors in conflict with the law.

61. **Ms. Barlow-Schuster** (Samoa) said that a dedicated youth court, presided over by a judge experienced in juvenile justice issues, had been established. The Ministry of Justice and Courts Administration ran a number of non-custodial programmes for youth offenders. Remand was generally non-custodial in nature. The Olomanu correctional facility was geographically isolated and difficult to access and work on the youth offender classification system had not yet been completed. The national human rights institution produced a detention inspection report every six months; however, more needed to be done to monitor the effectiveness of the programmes implemented at the Olomanu correctional facility and provide youth offenders with vocational training.

62. **Ms. Onesemo-Tuilaepa** (Samoa) said that the bills on sentencing and criminal procedure and a number of amendments to the 1961 Evidence Act should enter into force by the end of 2016. The judiciary had made efforts to improve the treatment of child victims and witnesses in legal cases, including through the use of closed-circuit cameras and the installation of separate accesses to buildings for court appearances. In an initiative funded by the United Nations Children's Fund (UNICEF), police officers from New Zealand had carried out training sessions to teach child-friendly interview techniques to the Samoan police. The executive branch had already taken into account the recommendations made in a report on juvenile justice and the treatment of child victims and witnesses submitted by the national human rights institution. The relevant recommendations of the Committee would be most welcome. When both the perpetrator and the victim of a sex crime were children, the fast-track system provided under the 2007 Young Offenders Act

was applicable. The Family Violence Court established in 2013 held sittings once a week and heard up to 25 cases per sitting.

63. **Ms. Stowers-Ah Kau** (Samoa) said that labour and employment relations legislation was enforced by trained staff in the labour inspectorate, which benefited from support for its continuing development from the International Labour Organization (ILO). There was a legislative gap in respect of some children who worked as street vendors or hawkers, since at present such activities were expressly prohibited only during school hours, but the Child Care and Protection Bill would fill that vacuum. More importantly, the cause of the phenomenon — economic vulnerability — must be addressed. The Government considered the reduction of economic vulnerability to be a priority for the next five years and was making efforts to build on assessments carried out by ILO to inform and validate strategies to increase economic security among families identified as being at risk, for example, through the development of small businesses and work placements. A programme funded by the Government of Australia known as the Samoa Women Shaping Development Programme and another programme funded by the United Nations had helped to raise economic empowerment. Samoa had ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and was reviewing its laws to ensure compliance with that instrument.

64. **Ms. Ayoubi Idrissi**, noting that the Government had drawn up a list of types of employment that were considered hazardous, asked when the list would be officially adopted.

65. **Ms. Oviedo Fierro** asked what kind of follow-up was ensured by the Government to monitor the situation of children lacking parental care who were placed in the custody of close relatives or other persons.

66. **Ms. Onesemo-Tuilaepa** (Samoa) said that the situation of children lacking parental care and living with close relatives had not emerged as a specific problem. In the current framework, the Government did not have the legal authority to monitor the situation of such children, but a new law was being drafted that would address that void and define situations in which intervention would be authorized, in particular, if a child was deemed to be in a situation of risk. The list of hazardous types of employment prohibited for children was already applied by the inspectorate division of the Ministry of Commerce, Industry and Labour, pursuant to the 2013 Labour and Employment Relations Act.

67. **Ms. Ayoubi Idrissi**, noting that the 2009 Education Act prohibited children from working as street vendors or hawkers during school hours only, asked what provisions applied at other times, and whether any provisions applied specifically to street children. The delegation should also describe the Government's policy for the treatment of children whose mothers were deprived of their liberty. Were the children allowed to remain with their mothers and, if so, until what age?

68. **Mr. Kotrane** asked whether the Government intended to ratify the ILO Maternity Protection Convention, 2000 (No. 183) or to take any other measures to raise the amount of maternity leave to an acceptable level.

69. **Ms. Onesemo-Tuilaepa** (Samoa) said that there was a long list of international instruments that the Government wished to ratify but that the country had limited resources and capacities and it would be detrimental to accede to international conventions without preparing the groundwork for proper implementation and compliance. ILO Convention No. 183 would hopefully be ratified by the next time Samoa was due to submit a report for consideration by the relevant treaty body or under the universal periodic review mechanism.

70. There were currently no legislative guidelines for the treatment of children whose mothers were deprived of their liberty, and the conditions of detention were thus

established at the discretion of the Ministry of Police and Prisons. The Government was aware of the requirements in respect of such conditions, both under the Convention and under the Convention on the Elimination of All Forms of Discrimination against Women, and was working, in particular with support from the New Zealand Department of Corrections, to draw up relevant guidelines. The Child Care and Protection Bill would fill the gaps left by the 2009 Education Act and make it possible for the Government to prohibit hawking and vending by children outside of school hours and in any situation where a child was deemed to be at risk. The Government had adopted a two-pronged approach, which placed importance also on combating the economic precariousness that sustained the need for children to carry out such activities.

71. **Ms. Sandberg**, noting the progress made towards ensuring children's rights in Samoa, asked whether the general atmosphere in the country was as positive and optimistic as the portrayal given by the delegation. The Government's view that sexual and reproductive health education should be left for parents to teach was unrealistic. Samoan society was very religious and traditional, and even in countries with less attachment to such values, experience had shown that parents were often ill equipped to educate their children about sexual and reproductive health.

72. **Ms. Onesemo-Tuilaepa** (Samoa) said that the Samoan approach to sexual and reproductive health was not set in stone. Samoan society was changing, and as part of the adaptation process, the authorities had to search for the most effective means to educate the country's children about sexual and reproductive health, drawing on the best of local traditions and culture, adapting them and combining them with the best of whatever could be learned from others. It would be easy to fall into a sense of pessimism in view of the challenges that the country — a tiny dot in the Pacific Ocean — had to face. However, in comparison with the far more serious problems plaguing many other countries, Samoans had reason to be optimistic. There was no option other than a positive approach. Samoan culture had aspects that could be harnessed for the betterment of the country.

73. **Ms. Khazova** asked whether any training was provided to help parents teach sexual and reproductive health to their children. Was it included in the Government's positive parenting programme? The Committee had observed that parents in all countries required guidance and training in that area.

74. **Ms. Onesemo-Tuilaepa** (Samoa) said that Government programmes, including its positive parenting programmes, had for the past five years integrated training for parents. Targeting parents in local communities, the programmes were designed to give them the knowledge and skills required to hold the necessary conversations with their children. A review currently under way prior to the formulation of the next Community Sector Plan would include an evaluation of the effectiveness of those programmes.

75. **Ms. Barlow-Schuster** (Samoa) said that the Samoa Family Health Association had previously been managed by staff with very set opinions about the best sexual and reproductive health approaches but that it had since evolved. Currently it had an ambitious 10-year strategic plan that was much more progressive in nature and broader in scope than its previous work plans. The Association now implemented a peer support system that linked teenage mothers with others who had undergone similar experiences, at all times respecting confidentiality. It was thus possible to hold more effective conversations than might be imaginable in a home or school setting. The strategic plan addressed issues such as HIV/AIDS, screening for STDs and family planning — an issue that just a few years previously had been taboo. Thus, local solutions were sometimes successful and could effectively change mindsets.

76. **Mr. Devoe** (Samoa) said that as Samoa was a Christian country, it was considered important for parents to instil certain values in their children. That transmission of values encompassed all aspects of family life.

77. **Mr. Gurán** asked what impact the Internet had had on young people in Samoa and what efforts had been made to ensure its safe use.

78. **Ms. Barlow-Schuster** (Samoa) said that a technology infrastructure plan was currently being implemented and that an ambitious, five-year fibre-optic cable installation programme would soon begin. Efforts were under way to determine how to drive economic empowerment using the new information and communication technologies that should improve living standards and create employment. It was recognized that training in responsible use should accompany the roll-out of Internet service in rural areas and schools. However, finding the personnel to provide such training was in itself a challenge, as the elder generation of Samoans was not particularly proficient in the use of new technologies.

79. **Mr. Gurán** said that in his time on the Committee he had rarely seen a delegation provide such comprehensive replies to all the questions raised during the dialogue. Clearly, the Government was committed to the rights of the child and Samoa was on the right track to ensure respect of those rights. The Government must continue its efforts to bring its legislation fully into line with the Convention and must also work to improve education and health services and reduce the high levels of family and school violence affecting children. In the light of the specific constraints faced by Samoa, the Committee recognized the need for adequate financing, and above all appropriate human resources, to be available in order to guarantee children's rights in the country.

80. **Ms. Stowers-Ah Kau** (Samoa) thanked the Committee for the constructive dialogue and the attention it had given to the situation of children's rights in Samoa. Emphasizing that the Government of Samoa was committed to fulfilling its obligations under the Convention and looked forward to receiving the Committee's recommendations, she suggested, in the spirit of dialogue, that the Committee might reconsider its procedures in respect of the conveyance of members' questions. It would perhaps be advisable to pose questions in advance so as to permit delegations, especially those from countries with limited access to information and those in geographically isolated areas, to respond more effectively and in a less stressful manner to the concerns and questions raised by the Committee. Such a procedure was currently employed in the universal periodic review mechanism, for example.

81. **The Chair** said that the Committee considered reports from all the States parties to the Convention and that its position had always been that no country had a perfect record of compliance with the Convention. The Committee's work consisted in pushing the States parties to do better. He expressed the Committee's gratitude for the very recent ratification by Samoa of the three optional protocols and said that the very impressive commitment shown by the delegation bode well for the State party's consideration of the Committee's concluding observations.

The meeting rose at 12.45 p.m.